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Chair: Mr. Rosenthal ..... (Guatemala)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Ms. McLurg

Contents

Agenda item 141: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Agenda item 142: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Agenda item 129: Programme budget for the biennium 2010-2011 (*continued*)

Programme budget implications of draft resolution A/C.3/65/L.48/Rev.1: Situation of human rights in Myanmar

Programme budget implications of draft resolution A/65/L.36: Permanent memorial to and remembrance of the victims of slavery and the transatlantic slave trade

Programme budget implications of draft resolution A/C.3/65/L.60, as revised: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Agenda item 137: United Nations pension system (*continued*)

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The meeting was called to order at 10.10 a.m.

Agenda item 141: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/65/178, A/65/578 and A/65/616 and Corr.1)

Agenda item 142: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/65/183, A/65/581 and A/65/616 and Corr.1)

1. **Mr. Yamazaki** (Controller), introducing the report of the Secretary-General on the revised estimates for the International Criminal Tribunal for Rwanda for the biennium 2010-2011 (A/65/178), said that the Secretary-General, in his report on the budget for the Tribunal for the biennium 2010-2011 (A/64/478), had indicated the efforts made to track and apprehend 13 fugitives, including those prioritized for trial at the Tribunal. The trial schedule and budget proposals for 2010-2011 had not taken into account the resource requirements related to the trials of the fugitives who had still been at large when the budget had been finalized; the Secretary-General had indicated that those requirements would be addressed in the context of revised estimates as and when the fugitives were apprehended.

2. At the same time, for reasons beyond the Tribunal's control, the trial schedule for 2010-2011 had been revised to reflect changes in the completion dates of first-instance trials and the preparation of two new trials of fugitives apprehended in 2009. An arrest in 2010 had further necessitated both the preparation of the case for a rule 11 bis application for referral and simultaneous preparation for trial in case the application for referral was denied. The Tribunal's workload, which had been projected to decrease in the second half of 2009, had actually increased on account of two new arrests during that period. In addition, some trials had not been completed as expected during that period. The Tribunal therefore expected to be conducting trials and writing judgements in 12 cases involving 24 accused persons during the biennium 2010-2011.

3. The resources initially approved for 2010-2011 had reflected a reduction in posts and non-post resources in line with the projected reduction in trial activity as from October 2010. However, in the light of the revised trial schedule, the Tribunal anticipated full first-instance trial activity throughout 2010, with reduced trial activity as from the second half of 2011.

4. The additional requirements for the Tribunal for 2010-2011 amounted to $34,223,000, or $31,268,500 after recosting with the application of the parameters of the first performance report. Those requirements related to the extension of the terms of judges, travel of representatives, increased general temporary assistance for the reinstatement of functions abolished in 2009 and scheduled for abolition in 2011, and other operational requirements.

5. Introducing the first performance report on the budget of the International Criminal Tribunal for Rwanda for the biennium 2010-2011 (A/65/578), he said that the changes to the budgetary assumptions for 2010-2011 would result in reduced requirements of $19.9 million, reflecting the impact of changes in exchange rates ($15,619,900) and adjustments to standard costs ($4,879,900), partially offset by increased requirements due to changes in inflation rates ($607,400).

6. The Assembly was requested to approve a revised appropriation for the biennium 2010-2011 in the amount of $257,804,100 to the Special Account for the International Criminal Tribunal for Rwanda.

7. Turning to the report of the Secretary-General on the revised estimates for the International Tribunal for the Former Yugoslavia for the biennium 2010-2011 (A/65/183), he recalled that, in paragraph 5 of the report on the financing of the Tribunal for the biennium 2010-2011 (A/64/476), the Secretary-General had indicated that factors beyond the Tribunal's control would affect the completion dates of trials and that, should the trial schedule vary significantly, the requirements would be reassessed and relevant changes would be addressed in the context of revised estimates.

8. Since the approval of the initial budget for the current biennium, the trial schedule had been revised to reflect changes in the completion dates of a number of first-instance trials. Those changes had significantly

affected the trial workload for the biennium. While significant progress had been made in the proceedings in recent years, factors over which the Tribunal had no control continued to affect the estimated completion dates of trials. Under the most recent schedule, eight trials would run concurrently until the end of December 2010. In 2011, seven of those trials would continue until April, six until September and five until December. There would be no reduction in trial activity in 2010 as originally planned; the pace of such activity would be reduced only slightly as from October 2011.

9. The additional requirements for the Tribunal for 2010-2011 were $47,603,800, or $45,587,200 after recosting with the application of the parameters of the first performance report. Those requirements related to judges' honorariums, general temporary assistance for the reinstatement of the functions of posts abolished in 2008-2009 and scheduled to be abolished in 2010-2011, and other operational requirements.

10. The first performance report on the budget of the International Tribunal for the Former Yugoslavia for the biennium 2010-2011 (A/65/581) reflected the changes in budgetary assumptions for 2010-2011, which would result in reduced requirements of $18.2 million arising from the impact of changes in exchange rates ($11,853,600) and in inflation assumptions ($4,691,200), partly offset by increased requirements due to adjustments to standard salary costs and common staff costs ($1,183,900).

11. The Assembly was requested to approve a revised appropriation for the biennium 2010-2011 in the amount of $320,511,800 to the Special Account for the International Tribunal for the Former Yugoslavia.

12. **Ms. McLarg** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/65/616 and Corr.1), said that during its consideration of the Secretary-General's reports on the two International Tribunals, the Advisory Committee had also considered the recommendations of the Board of Auditors on the accounts of the Tribunals for the biennium ended 31 December 2009 (A/65/5/Add.11 and 12). The Advisory Committee noted that, in relation to the financial statements of the International Criminal Tribunal for Rwanda, the Board of Auditors had issued a modified opinion with an emphasis of matter relating to the management of non-expendable property. It had been informed that, in response to the Board's concerns, the Tribunal had made arrangements to replace the current Field Asset Control System with Galileo and that it was currently recruiting for the position of asset manager. The Advisory Committee emphasized the importance of appropriate management attention to ensure that deficiencies identified by the Board were addressed in a comprehensive and timely manner.

13. The Advisory Committee noted that decreases in the initial appropriations for both Tribunals were due mainly to changes in exchange rates. The Advisory Committee recommended that the General Assembly should take note of the two performance reports and approve reductions in the appropriations for the biennium 2010-2011 in the amount of $18.8 million for the International Criminal Tribunal for Rwanda and $15.4 million for the International Tribunal for the Former Yugoslavia.

14. On the revised estimates, the Advisory Committee recalled that the Tribunals' budgets for the biennium 2010-2011 had been prepared on the basis of the trial schedules applicable at the time. Since the approval of the initial appropriation, unforeseen developments had affected the trial schedules of both Tribunals and delayed their respective completion strategies. Those developments included, at the International Criminal Tribunal for Rwanda, the detention of three additional indictees and, at the International Tribunal for the Former Yugoslavia, the discovery of new evidence directly relevant to a number of ongoing cases. In addition, difficulties with staff retention had adversely affected the Tribunals' ability to ensure the timely completion of trials. The Advisory Committee noted the steps taken by the Tribunals, in cooperation with the Office of Human Resources Management, to address the high departure rate of experienced staff, and requested the Secretary-General to further explore options in that regard.

15. Despite measures taken by the International Criminal Tribunal for Rwanda to handle its increased workload within existing resources, the Secretary-General proposed additional requirements for the current biennium of $34.2 million, or $31.3 million after recosting. The bulk of those resources — $27.7 million — would be for general temporary assistance to continue the functions associated with 228 posts that had been or were scheduled to be abolished. The remainder of the resources requested

related to judges' honorariums, consultants, travel, general operating expenses, supplies and materials, and furniture and equipment. Taking into account the pattern of expenditure to date, the Advisory Committee was of the view that all of the latter costs, apart from judges' honorariums, should be met within the current appropriation.

16. With respect to the International Tribunal for the Former Yugoslavia, the Secretary-General proposed additional requirements for the current biennium in the amount of $47.6 million, or $45.6 million after recosting, to fund 186 positions under general temporary assistance to ensure the continued performance of critical functions associated with posts that had been or were scheduled to be abolished. Additional resources were also sought for judges' honorariums, travel and contractual services.

17. The Advisory Committee recommended that the Assembly should approve additional appropriations for the biennium 2010-2011 in the amount of $29.2 million for the International Criminal Tribunal for Rwanda and $45.6 million for the International Tribunal for the Former Yugoslavia.

18. **Mr. Al-Shahari** (Yemen), speaking on behalf of the Group of 77 and China, said that high vacancy rates, the arrest of fugitives and the general dynamics of trials could delay the Tribunals' completion strategies. The Group welcomed the Secretary-General's efforts to address the challenges of staff retention, including through a system of incentives, and would seek further details, in informal consultations, on the success of that system. The Committee should explore how best to address the factors that had led to increased workloads and revision of the trial schedules in order to ensure the effective implementation of the Tribunals' respective completion strategies.

19. **Mr. Coffi** (Côte d'Ivoire), speaking on behalf of the Group of African States, said that the International Criminal Tribunal for Rwanda helped to maintain peace and stability in Rwanda and had done exemplary work in arresting fugitives. While the timely conduct of trials was crucial for adherence to the time frames established by the Security Council, multifaceted challenges relating to staffing, arrests and the general dynamics of trials could adversely affect the completion strategy. The Group urged the Secretary-General to intensify his efforts to mitigate the high vacancy rates at the Tribunal in order to ensure the timely completion of its work. In the informal consultations, the Group would seek further information on the success of the incentive system devised to improve staff retention.

20. The Group noted with appreciation that the Office of the Prosecutor was considering additional measures to ensure the timely implementation of the Tribunal's completion strategy. It commended the Government of Rwanda for amending its laws to facilitate the transfer of cases from the Tribunal to national jurisdictions, which would help the Tribunal to meet its completion targets.

21. Given the factors that had led to an increased workload and the revision of the trial schedule, the Group fully supported the revised appropriation for the International Criminal Tribunal for Rwanda as proposed by the Secretary-General.

22. **Ms. Hung** (Canada), speaking also on behalf of Australia and New Zealand, said that she welcomed the steps taken by both International Tribunals to achieve the goals outlined in their respective completion strategies, and encouraged them to continue to identify measures that would enable them to complete their work efficiently while ensuring that serious international crimes did not go unpunished. The three delegations would carefully consider the revised estimates for the Tribunals, recognizing that unforeseen developments had led to revisions in the trial schedules. The success of the Tribunals, which made a significant contribution to international criminal justice, depended on the cooperation of all States, including through the arrest of fugitives still at large. Australia, Canada and New Zealand would work with other Member States to ensure that the Tribunals achieved their goals as cost-effectively as possible.

Agenda item 129: Programme budget for the biennium 2010-2011 (*continued*)

Programme budget implications of draft resolution A/C.3/65/L.48/Rev.1: Situation of human rights in Myanmar (A/65/613; A/C.5/65/10)

Programme budget implications of draft resolution A/65/L.36: Permanent memorial to and remembrance of the victims of slavery and the transatlantic slave trade (A/65/626; A/C.5/65/11 and Corr.1)

Programme budget implications of draft resolution A/C.3/65/L.60, as revised: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/65/627; A/C.5/65/12)

23. **Ms. Van Buerle** (Director, Programme Planning and Budget Division) introduced three statements of programme budget implications submitted in accordance with rule 153 of the rules of procedure of the General Assembly.

24. Introducing the statement of programme budget implications of draft resolution A/C.3/65/L.48/Rev.1 on the situation of human rights in Myanmar (A/C.5/65/10), she said that the adoption of the draft resolution by the General Assembly would give rise to additional requirements of $1,216,700 under section 3, Political affairs, and $154,200 under section 35, Staff assessment, to be offset by a corresponding amount under income section 1, Income from staff assessment, of the programme budget for the biennium 2010-2011. Approval for those requirements was being sought in the context of the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council (A/65/328/Add.1 and Corr.1), currently before the Assembly.

25. Introducing the statement of programme budget implications of draft resolution A/65/L.36 on the permanent memorial to and remembrance of the victims of slavery and the transatlantic slave trade (A/C.5/65/11 and Corr.1), she said that a modification would be made to the programme of work under section 27, Public information, of the programme budget for the biennium 2010-2011 in order to reflect the provisions of the draft resolution. The relevant outputs would be reflected in the proposed programme budget for the biennium 2012-2013. Should the General Assembly adopt the draft resolution, additional resources amounting to $251,500 would be required, comprising $239,400 under section 27, Public information, and $12,100 under section 36, Staff assessment, to be offset by the same amount under income section 1, Income from staff assessment, of the programme budget for the biennium 2010-2011. Under the procedures established by the General Assembly in its resolutions 41/213 and 42/211, those provisions would represent a charge against the contingency fund.

26. Introducing the statement of programme budget implications of draft resolution A/C.3/65/L.60, as revised, on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/C.5/65/12), she said that, following full consultations with the relevant substantive offices, including with regard to their absorptive capacity, additional resources were being sought to implement the provisions of paragraphs 50, 51, 53 and 57 of the draft resolution. Should the General Assembly adopt the draft resolution, as revised, total additional resources of $206,400 would be required, comprising $115,700 under section 2, General Assembly and Economic and Social Council affairs and conference management, and $90,700 under section 27, Public information, as a charge against the contingency fund for the biennium 2010-2011. That amount already reflected the absorption of additional resource requirements of $116,100 under sections 2, 23, 27 and 28D of the programme budget for the biennium 2010-2011.

27. **Ms. McLurg** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related reports of the Advisory Committee (A/65/613, A/65/626 and A/65/627), said that she wished to draw particular attention to paragraph 5 of the Advisory Committee's report on the programme budget implications of draft resolution A/C.3/65/L.48/Rev.1 (A/65/613); paragraph 8 of its report on the programme budget implications of draft resolution A/65/L.36 (A/65/626); and paragraph 4 of its report on the programme budget implications of draft resolution A/C.3/65/L.60 (A/65/627).

28. **Mr. Al-Shahari** (Yemen), speaking on behalf of the Group of 77 and China, said that the Group appreciated the speed and efficiency with which the Advisory Committee had prepared its reports on the statements of programme budget implications currently before the Committee. The Group noted with concern that the statement of programme budget implications of draft resolution A/C.3/65/L.60, as orally revised, had been introduced three weeks after the Third Committee had adopted the draft resolution by a resounding majority. The Group trusted that programme budget implications would, in future, be provided to the

respective Main Committees of the General Assembly as early as possible, in line with rule 153 of the Assembly's rules of procedure. The Group fully endorsed draft resolution A/C.3/65/L.60, as revised, and the Advisory Committee's report on the statement of programme budget implications (A/65/627).

29. With regard to the statement of programme budget implications of draft resolution A/65/L.36 on the permanent memorial to and remembrance of the victims of slavery and the transatlantic slave trade (A/C.5/65/11 and Corr.1), the importance of educating and informing current and future generations about the causes, consequences and lessons of slavery and the transatlantic slave trade could not be overemphasized. The fact that the General Assembly had adopted four successive resolutions on the same issue, each time with broad consensus and a significant number of sponsors, demonstrated its importance to the international community. In that connection, the Group was deeply concerned at the lack of cooperation and willingness on the part of the Department of Public Information and other related Secretariat entities to engage actively in initiatives related to the remembrance of the victims of slavery and the international slave trade. While the Group fully endorsed the draft resolution and the Advisory Committee's report on the statement of programme budget implications (A/65/626), it wished to point out that the Department of Public Information had made no provision to meet the request, made in successive annual resolutions, for the Secretary-General to report to the General Assembly on action to implement the programme of educational outreach on the transatlantic slave trade and slavery, including action by Member States. Reports had been issued on the Department's own activities in that regard, but not on the action taken by Member States to implement the resolutions. In that regard, the remembrance of the victims of slavery and the transatlantic slave trade clearly received less attention from the Department of Public Information, as well as less support in terms of action and resources, than other similar remembrance events.

30. In view of the political, historical and cultural importance of the initiative on slavery and the project to erect a permanent memorial, as well as the strong international support it enjoyed, every effort should be made to provide the necessary financial and human resources to ensure full implementation of all resolutions on the issue, including the observances held in March of each year. In particular, adequate resources should be provided for the outreach activities of the Department of Public Information, which should be extended to all Member States on both sides of the Atlantic.

31. **Mr. Wolfe** (Jamaica), speaking on behalf of the Caribbean Community (CARICOM), said that, in recalling the horrific period of forced uprooting of millions of people from Africa to the Americas and Europe as a result of slavery and the international slave trade, it was also important to remember the moral imperatives arising from the end of that system and the legacy of slavery that still lingered in many countries. The international community had a moral obligation to ensure that a tragedy of such immense proportions, now commonly referred to as a crime against humanity, never occurred again.

32. In addressing the budgetary implications of the important mandate given by the General Assembly to commemorate the abolition of slavery, raise international awareness and undertake outreach activities, the need for fairness, equity and a common resolve to address the legacy of slavery should be emphasized. CARICOM therefore sought the support of other delegations for the full implementation of all General Assembly resolutions on the issue. In that connection, the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade should be placed on an equal footing with other international observances, and accorded stable and predictable funding.

33. Bearing in mind that an important part of the mandate given by the General Assembly in successive resolutions was for Member States to develop educational programmes, including through school curricula, designed to educate and inculcate in future generations an understanding of the lessons, history and consequences of slavery and the slave trade, and to undertake activities at the national level to honour the victims of slavery and the international slave trade, it was regrettable that the Secretariat had not requested information from Member States on their implementation of the resolutions in question, or compiled reports on the action they had taken. While the failure to do so had been attributed to a lack of human resources in the Department of Public Information, the statement of programme budget implications did not take that into account. It was to be hoped that the situation would be rectified following

the Committee's decision and that, with appropriate resources, the resolutions would be fully implemented in the next session. CARICOM also trusted that, as in the past, the draft resolution would be adopted by consensus.

34. **Mr. Yamada** (Japan) said it was regrettable that the Third Committee had not followed rule 153 of the rules of procedure of the General Assembly when adopting draft resolution A/C.3/65/L.60, as revised. His delegation urged all Member States to raise awareness of that rule in the other Main Committees and strongly hoped that it would not be overlooked in future.

35. Bearing in mind that the total estimated resource requirements set out in the three statements of programme budget implications currently before the Committee were significantly lower than the amounts presented the previous year, his delegation commended the efforts made to absorb, within existing resources, the additional expenses arising from programme budget implications. It would be seeking further clarification in informal consultations on the capacity of departments to absorb such additional expenses. Lastly, he noted with concern that, while the Committee had agreed at its 1st meeting of the current session that the other Main Committees should have completed their consideration of all draft resolutions having programme budget implications no later than 1 December 2010, not all such negotiations had in fact been concluded by that date.

36. **Mr. Yanouka** (Israel) said that, while his delegation maintained significant objections to the proposed follow-up to the Durban Declaration and Programme of Action, it was also deeply concerned to note that draft resolution A/C.3/65/L.60, as orally revised, had been adopted in violation of rule 153 of the rules of procedure of the General Assembly. Since the Committee was now being asked to retroactively endorse an invalid action of the Third Committee, his delegation urged the members of the Committee to return the draft resolution to the Third Committee. Furthermore, bearing in mind that a budget of some $863 million had already been appropriated under sections 2 and 27 of the programme budget for the biennium 2010-2011, the additional resources of $115,700 under section 2 and $90,700 under section 27 that the General Assembly was requested to approve, if it adopted the draft resolution, represented only a tiny percentage of the amount already appropriated. He wondered whether it was truly impossible to accommodate such a small amount under those sections of the programme budget for the biennium 2010-2011.

37. **Mr. Melrose** (United States of America) said it was a matter of concern that the rules of procedure of the General Assembly had not been followed when certain draft resolutions had been adopted by other Main Committees and, in particular, that the Third Committee had taken a decision on draft resolution A/C.3/65/L.60, as revised, without having been informed of its programme budget implications. His delegation also continued to have serious concerns, which it had fully articulated in the Third Committee, about the activities outlined in the draft resolution. Accordingly, it was unable to support funding for the initiative.

Agenda item 137: United Nations pension system (*continued*) (A/C.5/65/L.8)

Draft resolution A/C.5/65/L.8: United Nations pension system

38. ***Draft resolution A/C.5/65/L.8 was adopted.***

The meeting rose at 11.25 a.m.